offices, if not all three of them, at the same time. Later he became again a member of Congress and a United States Senator from Louisiana. President Jackson appointed him Secretary of State in 1831, and two years later he was appointed American Minister at Paris. He attained all this recognition notwithstanding the fact that his career was burdened through the defalcation of a subordinate in his office as Mayor of New York. He resigned his office of Mayor and accepted responsibility although none of the missing funds had passed through his hands. The debt was finally paid, principal and interest, but not until within a few years of his death. This misfortune led to his removal to New Orleans where his abilities were promptly recognized. While there he found time to prepare a Civil Practice Act which was adopted by the legislature in 1805. He was a member of a Commission to revise the Civil Code of the state, whose work for the most part was adopted by the legislature. But his great interest which occupied him during his whole life was in the preparation of a penal code. This work challenged the attention of the foremost thinkers of the world and is his great monument. Although his penal codes were never formally adopted in the United States "they constitute a thesaurus from which the world has ever since been drawing ideas and principles."

Professor Hicks' book serves to remind us that the law offers fame of an enduring sort for scholarly and literary talent as well as for judicial eminence and brilliant advocacy.

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The Law of Sales. By John Barker Waite. Chicago, Callaghan & Co., 1921. pp. xii, 385.

In a rather long preface the author suggests that a text book should be distinguished from a digest by its analysis of the rules on which decisions are based, and that, in spite of previous attempts to analyze the law of sales, it is always possible that a new writer may bring something of value by way of explanation and of reason for the rules, and that there is also possible value in a new method of presentation. This is certainly true, and it is matter for regret that so little can be found to commend in the author's efforts. The book is not clearly written and, in the main, the author makes slight attempt at original analysis, and often is content to say in substance that some courts decide one way, and some courts another, and that the whole matter is much confused. There are frequent repetitions, as, for instance, on pages 42 and 49, specification as an indication of transfer of title is dealt with twice, when one statement would have been enough. On page 180, we find a paragraph on "What a warranty is." On page 187, the same inquiry is repeated under the heading of "What are Warranties?" Nor is the book free from absolute inaccuracies. One would hardly expect a professor of law to say that a decision in Alabama "expressly overrules" a Massachusetts case. Such a method of statement is of course of no great moment, but it illustrates a loose and confused style throughout the book. The author says (at page 29) "An undertaking by the seller to deliver the goods to the buyer at a particular place seems occasionally to have led to a holding that title did not pass until such delivery had been accomplished." Presumably all courts would hold that such was the presumption, though doubtless it is possible to transfer ownership at an earlier time. The author's statement would lead one to infer that the decisions of the courts to which he refers are of doubtful validity. There is but a brief treatment of the subject of transfer of ownership by bills of lading, and the author does not refer to the Pomerene Act, which seriously affects the correctness of some of his statements.

The author's main puzzle seems to be why it is that shipment of goods by a seller to a buyer in fulfilment of an order or contract should pass title on delivery of the goods to the carrier. He says (page 48): "The rule is a purely arbitrary one;" and again (page 50): "The theory on which this holding is based is anything but clear." On page 269, in dealing with the Statute of Frauds, he refers to the same matter again. His difficulty is that he rightly enough is unable to see any authority on the part of the carrier to assent to the transfer of ownership; and he wrongly supposes that such authority must be assumed in order to produce the result. Of course the truth is that the buyer has himself previously assented to the shipment as a means of delivery. The carrier receives the goods as agent or bailee for the buyer, but it is the buyer's previous assent which produces the transfer of ownership. If the buyer had said, put the goods into a particular hole in the ground for me, the ownership would have been transferred when the seller fulfilled the order, for precisely the same reason.

Pages 286 to 336 are devoted to a reprint of the Uniform Sales Act, with very slight annotations of decisions. There seems to be little reference, however, to the effect of the Act in the body of the book.

The volume because of the size naturally invites comparison with the brief treatises of Tiffany and Burdick, and the comparison is much to the advantage of the older books.

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Cambridge Studies in English Legal History. Harold Dexter Hazeltine, Editor. *The History of Conspiracy and Abuse of Legal Procedure.* By Percy Henry Winfield. Cambridge, Cambridge University Press, 1921. pp. xxvii, 219.

Increasing the interest which this work, the first volume of a new series of publications, naturally inspires is the general preface written by the editor, Professor Hazeltine. Even though the hopes and promises there held out are only partially realized, we shall ultimately have a set of studies embracing both monographs and editions of texts which will enrich the literature of English legal history.

In its largest aspect this book is a study of the abuses connected with legal procedure down to the end of the eighteenth century. The term conspiracy in its earlier sense signified an illegal combination to abuse legal procedure, to promote false accusations and suits before a court. Slightly more than the first half of the work is given over to a detailed and careful account of the early history of this subject. There was both a civil and a criminal side to conspiracy, the civil procedure being begun by the writ of conspiracy, and the criminal procedure by presentment before a court. A particularly full treatment of the writ is given (it was statutory, no writ of conspiracy existing at common law), its scope, and the essentials of liability to it. On the last point it is interesting to note that though from almost the beginning the rule was that the writ would not lie against indictors or jurors, there was no case which laid down the immunity of witnesses generally, apart from those who informed the grand jury, till 1549. There is no reference to conspiracy as a crime before 21 Edward I. From then on the records show that the crime was a common one, even in high places. "The writ of conspiracy, originally destined to stop false accusations, was being employed to stifle honest ones. Evil doers who had been properly indicted procured their acquittal by a favorable inquest, and then sued writs of conspiracy against their indictors," in spite of the rule that the writ would not lie against indictors. In the fourteenth century one of the commonest uses of conspiracy was in connection with combinations to restrain or to interfere with trade. With the coming of the Tudors, conspiracy on its criminal side was greatly affected by the Star Chamber, a court without a jury, and strong enough to crush combinations to abuse legal procedure